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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,690	12/01/2000	Shell S. Simpson	10001726-1	5534

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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

WALLERSON, MARK E

ART UNIT

PAPER NUMBER

2626

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/728,690	Applicant(s) SIMPSON, SHELL S.	
	Examiner Mark E. Wallerson	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 28 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Part III DETAILED ACTION

Notice to Applicant(s)

1. This action is responsive to the following communications: amendment filed on **12/28/04**.

2. This application has been reconsidered. Claims 1 - 20 are pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Shima (U.S. 6,466,326).

With respect to claims 1, 5, 10, 12, 16 Shima discloses a method for printing N collated copies of a document on a printer (the abstract), N being an integer greater than one, the method comprising: determining whether the printer has capacity to print N collated copies of the

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document at a computer system separate from the printer (column 7, lines 16-39); and if the printer has insufficient capacity, sending a single copy of the document from the computer system to the printer (column 7, lines 16-39).

With regard to claims 2, 3, 13, and 14, Shima discloses the capacity is a memory capacity (column 7, lines 16-30).

With respect to claims 4 and 15, Shima discloses storing a copy of the job (column 6, lines 23-55).

With regard to claim 6, Shima discloses the message regarding the sufficiency of the printer's capability is initiated by the printer (column 13, lines 31-48).

With respect to claim 7, Shima discloses detecting when a first copy of the document has been printed by the printer, if the first copy of the document has been printed by the printer before receipt from the printer of an indication that the printer's capacity is insufficient, then concluding that the printer's capacity is sufficient (column 6, line 44 to column 7, line 58).

With regard to claims 8 and 17, Shima discloses polling the printer (column 11, lines 26-27).

With respect to claim 11, Shima discloses embedding a status request in the print job and sending the print job to the printer (column 11, lines 33-37 and column 12, lines 7-14).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shima in view of Schaertel (U.S. 5,087,979).

With respect to claim 9, Shima differs from claim 9 in that he does not clearly disclose querying a PML object. Schaertel discloses a digital copier with a collating buffer which queries a PML object (column 4, lines 25-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Shima to query a PML object. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Shima by the teaching of Schaertel in order to prevent data errors.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaertel in view of Sanchez (U.S. 5,528,734).

Regarding claim 18, Schaertel discloses an apparatus for processing an incoming print job requesting N collated copies of a document on a printer, N being an integer greater than one, the apparatus comprising: a memory (fig. 3, ref. 58) configured to store the document (fig. 3, col. 4, lines 3-4). Schaertel does not disclose a spooler, connected to the memory, configured to send an outgoing print job to the printer.

Sanchez discloses a spooler, connected to the memory, configured to send an outgoing print job to the printer (fig. 2, col. 4, lines 15-27).

A status agent (buffer memory 58) configured to receive from the printer information regarding whether the printer has sufficient capacity to collate the document (fig. 4, col. 5, lines 14-35).

Schaertel does not disclose a control logic, connected the spooler and the status agent, the control logic controlling the spooler on the basis of the information regarding whether the printer has sufficient capacity to collate the document.

Sanchez discloses a control logic, connected the spooler and the status agent, the control logic controlling the spooler on the basis of the information regarding whether the printer has sufficient capacity to collate the document (fig. 6, col. 5, lines 61-67 and col. 6, lines 1-22). It would have been obvious to one skilled in the art at the time of the invention to modify Schaertel wherein a base logic program would be implemented to assist with a printer component could correlate with the memory insufficiency based on the communication from the printer's internal components. This feature permits uninterrupted data process and prevents loss of data.

Regarding claim 19, Schaertel the apparatus of claim 18 further comprising: A receive pod (link 28), connected to the memory (see fig. 2), by which the incoming print job can be received (figs. 2-3, col. 4, lines 1-10).

Regarding claim 20, Schaertel discloses the apparatus of claim 18 wherein the capacity is a memory capacity, wherein the control logic is configured to control the spooler to send a single copy of the document to the printer N times if the status agent determines that the printer has sufficient memory capacity (figs. 2-3, col. 3, lines 24-41 and col. 4, lines 43-67).

Response to Arguments

9. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

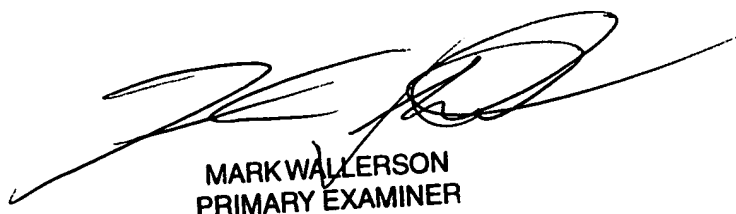
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark E. Wallerson whose telephone number is (571) 272-7470. The examiner can normally be reached on Monday-Friday - 6:30-4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (571) 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark E. Wallerson
Primary Examiner
Art Unit 2626



MARK WALLERSON
PRIMARY EXAMINER